

# Calendar No. 975

68TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 906

## OMAHA INDIANS OF NEBRASKA

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JANUARY 22, 1925.—Ordered to be printed

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Mr. HARRELD, from the Committee on Indian Affairs, submitted the following

### REPORT

[To accompany H. R. 8965]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8965) for the relief of the Omaha Indians of Nebraska, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 828, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

There is also attached a letter from the Secretary of the Interior, under date of January 17, 1925.

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[House Report No. 828, Sixty-eighth Congress, first session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8965) for the relief of the Omaha Indians of Nebraska, having considered the same, report thereon with a recommendation that it do pass without amendment.

The merits of this legislation are fully set forth in the letter from the Secretary of the Interior, which is attached hereto and made a part of this report.

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DEPARTMENT OF THE INTERIOR,  
Washington, May 20, 1924.

HON. HOMER P. SNYDER,  
*Chairman Committee on Indian Affairs,*  
*House of Representatives.*

MY DEAR MR. SNYDER: The receipt is acknowledged of your letter of April 30, 1924, forwarding for a report thereon a copy of H. R. 8965, being a bill for the relief of the Omaha Indians of Nebraska.

The act of June 22, 1910 (36 Stat. L. 580), conferred jurisdiction on the Court of Claims to consider and render judgment in all claims, legal and equitable, of the Omaha Tribe of Indians against the United States. Under that act the Indians filed a suit (No. 31002) in the Court of Claims. Judgment in the case

was rendered by the court April 22, 1918, awarding the Indians \$122,295.31. Interest at 5 per cent was allowed by the court on the following portions of the judgment:

On \$94,739.54 from June 15, 1854.

On \$15,068.80 from August 3, 1856.

On \$3,133.39 from August 11, 1858.

Subsequently, the counsel for the Government in the case called the attention of the court to section 1091 of the Revised Statutes (being a part of the act creating the Court of Claims) which prohibits the court from allowing interest in certain cases, and thereupon the court recalled its former judgment in so far as it related to interest. On appeal to the Supreme Court of the United States this action was sustained, the court having found that the jurisdictional act did not take the case out of the usual rule governing allowance of equitable claims for interest. (See 253 U. S. 275.)

This claim was submitted to the Director of the Bureau of the Budget, and by letter dated May 16, 1924, he has advised with reference thereto as follows:

"I have submitted the matter to the President, who has instructed me to advise you that the proposed legislation is in conflict with his financial program."

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,  
Washington, January 17, 1925.

Hon. J. W. HARRELD,  
*Chairman Committee on Indian Affairs,*  
*United States Senate.*

MY DEAR SENATOR HARRELD: This refers to your letter of January 9, 1925, inclosing for report thereon a copy of H. R. 8965 as passed by the House of Representatives January 5, 1925, and which would authorize the appropriation of \$374,465.02 for the Omaha Indians of Nebraska as interest on certain principal sums allowed the tribe by judgment of the Court of Claims April 22, 1918.

There is inclosed herewith a copy of House Report No. 828, Sixty-eighth Congress, first session, in which is contained my report on the bill of May 20, 1924, to the chairman of the Committee on Indian Affairs, House of Representatives, which sets out the facts with reference to the matter. The bill is in the same form as it was when the report of May 20, 1924, was made.

As the claim involves the direct appropriation of moneys from the United States Treasury, a report was obtained from the Director of the Budget dated May 16, 1924, containing the following statement:

"I have submitted the matter to the President, who has instructed me to advise you that the proposed legislation is in conflict with his financial program."

Very truly yours,

HUBERT WORK.

